

Charles Michael
212 378 7604
cmichael@steptoe.com

MEMO ENDORSED **Steptoe**

1114 Avenue of the Americas
New York, NY 10036
212 506 3900 main
www.steptoec.com

September 27, 2021

By ECF

Hon. Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Stetson Real Estate LLC v. Sentinel Ins. Co., Ltd. et al.*, 20 Civ. 8902

Dear Judge Karas:

We write on behalf of defendant Sentinel Insurance Co., Ltd. ("Sentinel") to respectfully request a ruling on Sentinel's pre-motion letter for leave to move for judgment on the pleading and for a discovery stay (the stay aspect is unopposed), filed September 16, 2021. (ECF 49.) Magistrate Judge McCarthy has directed that discovery disputes be brought to her attention by tomorrow (*see* Minute Entry, Sept. 13, 2021), and it will spare the parties the expense of briefing their remaining disputes if discovery is stayed in the meantime.

The case for staying discovery has only grown since Sentinel's application, given that on Friday Your Honor dismissed a substantially similar case, *see Poughkeepsie Waterfront Dev't v. The Travelers Indem. Co.*, 20 Civ. 4890, ECF 24 (S.D.N.Y. Sept. 24, 2021). There have been at least two other similar rulings in the intervening time, as well. *See Santo's Italian Café LLC v. Acuity Ins. Co.*, No. 21-3068, --- F.4th ---, 2021 WL 4304607 (6th Cir. Sept. 22, 2021); *Hudson Valley Bone & Joint Surgeons, LLP v. CNA Fin. Corp.*, 20 CV 6073 (VB), ECF 41 (S.D.N.Y. Sept. 23, 2021). We remain unaware of any New York court ruling, or any appellate ruling anywhere, in favor of insureds in these cases.

* * *

We thank the Court for its consideration of these matters.

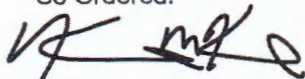
Granted. The Court will hold a pre-motion conference on 10/27/21, at 10:30. Discovery is stayed until that conference.

Respectfully,

/s/ Charles Michael

Charles Michael

So Ordered.



9/27/21
cc: All Counsel of Record (via ECF)